

ROBERT E. H. MILLER, ESQUIRE  
524 E. Johnson Street  
Philadelphia Pa. 19144  
Attorney for Petitioner

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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

VS. CRIMINAL No. 13-669

JAMAHL SIMMONS

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**PRE-TRIAL INSPECTION AND DISCOVERY MOTION**

TO: United States Department of Justice, United States Attorney, Eastern District of Pennsylvania.

Pursuant to the Federal Rules of Criminal Procedure, the captioned Defendant/Petitioner, by his attorney, ROBERT E. H. MILLER, ESQUIRE, request the following:

1. Any evidence favorable to the accused which is material to guilt or punishment.
2. Any written confession or inculpatory statements, or the substance of any oral confession or inculpatory statements and including without limitation, any tape recordings or other memoranda of said oral confession or inculpatory statement of the defendant.
3. The Defendant's prior record.

4. The circumstances and results of any identification of the Defendant by voice, photograph, and/or in person identification.

5. Results or reports of all scientific tests, expert opinions, including without limitation, any and all ballistics test, hospital, autopsy, doctor and other medical reports, and written or recorded reports of polygraph examinations of the Defendant, analysis of controlled substances, and analysis of blood test or other physical or mental examinations of the Defendant; any and all physical specimens utilized in conjunction with or related to the aforementioned.

6. Any tangible object, including but not limited to documents, grand jury notes of testimony, photographs, video and or audio recordings, law enforcement officer/agent reports and notes, K-9 officer reports and notes, fingerprints and all other tangible evidence. Defendant's counsel also request an opportunity to physically inspect any all physical evidence.

7. The transcripts and recordings of any electronic surveillance, and the authority by which said recordings and or transcripts were obtained.

8. The names and addresses of eyewitnesses and other Commonwealth witnesses.

9. All written or recorded statements, summaries or memoranda or oral statements, of eyewitnesses, or other witnesses the Commonwealth intends to call at trial.

10. All written, or recorded statements, substantially verbatim oral statements, summaries or memoranda or oral statements, made by codefendants, and by coconspirators or accomplices, whether such individuals have been charged or not.

11. The criminal record of the confidential source/informant, including without limitation, a record of arrests and convictions.

12. The criminal record of eyewitnesses and other witnesses the Government intends to call at trial, including without limitation, a record of arrests and convictions.

13. Any and all considerations or promises of consideration given by the Government to any witness or witnesses, or that which could be reasonably expected or hoped for by any witness. By "consideration" the Petitioner refers to absolutely anything, whether bargained for or not, which arguably could be of value or use to a witness or persons of concern to any witness, including but not limited to criminal, civil or tax immunity grants; relief from forfeiture; assistance or favorable treatment or recommendation with respect to any criminal, civil, tax court, court of claims, administrative or other legal dispute with the Government or other parties; payment of money or fees; witness fees; and special witness fees; provisions of food, clothing; shelter; transportation or other like benefits; placement in a "witness protection program" and anything else which could

arguably reveal an interest, motive or bias in the witness in favor of the Government or against the Petitioner or could act as an inducement to testify or color testimony.

14. Any and all threats, express or implied, made against any witness; criminal prosecutions, investigations, or potential prosecutions pending which could be brought against the witness; any probationary, parole or deferred prosecution status of any witness; any civil, tax court, court of claims, administrative or other pending or potential legal disputes or transactions with the Government of the United States of America.

15. Petitioner request that his counsel be given the opportunity to inspect, copy and photograph any and all of the original items requested above.

16. Petitioner reserves the right to request additional information and Defense counsel will not provide the addresses or phone numbers of Government witnesses to persons other than his investigators.

RESPECTFULLY SUBMITTED,

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ROBERT E. H. MILLER, ESQ.  
Attorney for Petitioner

DATED: \_\_\_\_\_

ROBERT E. H. MILLER, ESQUIRE  
524 E. Johnson Street  
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TO: United States Department of Justice, United States Attorney, Eastern District of  
Pennsylvania.

RULE

AND NOW, TO WIT, THIS DAY OF , 2014 on  
consideration of the attached Petition, a rule is granted upon the Government of the  
United States to show cause as to why the attached petition, in the above matter, should  
not be granted.

RULE RETURNABLE, THE DAY OF  
2014, IN COURTROOM , of the UNITED STATES COURT HOUSE at  
m.

BY THE COURT;

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VERIFICATION

I have examined this matter and from the available facts I certify that there is a proper and legal basis for the filing of this Motion, that the foregoing facts are true and correct to the best of my information, knowledge and belief and that this statement is made subject to the penalties of law.

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Robert E. H. Miller, Esq.  
Attorney for Jamahl Simmons